

The Leesburg Letter

Supervisor Ken Reid

May Newsletter

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Electronic Edition

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Dear Constituents,

The County's plan to expand our courthouse in downtown Leesburg, with a new Courts building at the corner of Church Street and East Market and a multi-story parking garage on the Pennington lot on North Street, is an \$87 million investment in downtown Leesburg.

My colleagues on the Board of Supervisors and I would like to keep the Courts in downtown Leesburg. But in 2012, our staff recommended that we build a new courthouse south of Leesburg at the County Government Support Center on Sycolin Road and backfill the courthouse with county offices.

But we heard from the judges, attorneys and courts officials, including the Sheriff, who all said the Courts should expand in the Historic Downtown on the Church Street lot, where the County Jail once stood.

In fact, in October 2012, Mayor Umstattd wrote the Board on behalf of the Council: **"The Loudoun County Courthouse has been an integral part of the fabric of downtown Leesburg**

since its inception... a vital centerpiece of the town...We wish to see it expand in downtown Leesburg and we are committed to working with Loudoun County to ensure the courts' place in town."

Furthermore, in December 2012, after our Finance Committee considered building a new Courthouse outside the downtown, then-Town Manager John Wells wrote, **"Again, the town is committed to assisting the County in completing a successful courts expansion in downtown Leesburg."**

But now that we have begun the project, and despite presentations of various designs to the community last year, we are facing potential regulatory delays by the Town of Leesburg and I see little effort by the Mayor and the Council to make good on their interest to keep the Courts in the Historic District.

The Board of Supervisors is so concerned about the regulatory process in Leesburg that they have agreed to fund \$100,000 to examine the feasibility of converting the County Government Center on Loudoun Street to the Courts and move many of the county offices out of town.

In this edition of the Leesburg Letter, I will outline for the public what is going on from my perspective and what the Town of Leesburg can do to make things go more smoothly. However, town staff do not have to take direction from the Board of Supervisors- nevertheless, the Town Council can give such direction. If they do not, I believe there are sufficient votes on the Board of Supervisors to move the Courts or Government Center out of town.

Next month I will be sending you a print copy of the Leesburg letter in lieu of the email edition, so be sure to check your mailboxes!

Thanks, and please read on.

Ken Reid



Board appeals BAR decision; funds \$100,000 to determine turning Govt. Center to General District Court

At our last meeting, May 20, the Board of Supervisors unanimously voted to appeal the May 18 decision by Leesburg's Board of Architectural Review (BAR), which agreed to give the County a permit to partially demolish the non-historic additions to four houses the County uses for offices on Edwards Ferry Road.

The (BAR) declined to give us a full-demolition permit, and did not give us permission to relocate

the buildings. Instead, they approved "partial demolition," which means we have to spend up to \$9 million to redesign the courts building and shave the historic houses back. We are now appealing to the Town Council.

In addition, the Board voted to fund up to \$100,000 on a facilities study to determine whether to just rehab the County Government Center on Loudoun Street to be the General District and Family Relations Court and then move part of the county offices to the Government Support Center site on Sycolin Road south of Leesburg town limits. **It is my sincere hope that the Council will act on our appeal next month and not delay it.** However, they have the discretion to approve not just demolition but RELOCATION of the four buildings on Edwards Ferry.

We have applications from two folks who wish to take the buildings off our hands and find new locations in the Historic District, but the BAR's hands were tied. The Council, however, can act and support relocation.

So, I would hope the Council will give us the option to relocate the buildings at private sector expense and leave the demolition option open.

Onerous Chesapeake Bay TMDL rules could be behind "need" to remove historic structures

Unbeknownst to many supervisors, the reason we have to have those buildings removed is the storm water requirements, as dictated by the Federal EPA and State Department of Environmental Quality (DEQ), which are acting under President Obama's executive order to reduce the total maximum daily load (TMDL) of phosphorous, nitrates and other runoff chemicals in the Chesapeake Bay.



According to one of our staffers, DEQ regulates storm water management in two ways: Controlling for quantity and controlling for quality.

On the quantity front, we (and pretty much anyone building a structure) must have certain facilities in place to protect against flooding. However, when it comes to quality, storm water contains certain pollutants (Nitrates from fertilizer, phosphorus, salt from the roads, etc.) that DEQ is trying to keep out of Chesapeake Bay.

Usually you would do this with a drainage pond that allows the pollutants to settle out of the water. But on smaller parcels there is often not room for such a facility, so you need some kind of underground tank. Our plan is to locate these storm water management tanks along Edwards Ferry Road, where the historic buildings currently stand.

On parcels under 5 acres, you can buy credits to get out of the quality management. The credits are bought from private entities that have earned them by going above and beyond on storm water management on their property, and are thereby entitled to sell 'credits.' **What I would like to**

know is if the County can "buy credits" from some other entity in Leesburg so we can provide for storm water management without tearing down these buildings.

There also was a suggestion to put tanks under the four buildings. Again, these are expensive and we're dealing with tax dollars - not private funds.

Perhaps the General Assembly can step in and allow a much lower bar for these storm water requirements for infill development in urbanized areas and when historic structures or sites are at risk.

Design of courts building still not approved due to demolition issue

Most of the discussion we've had so far on the Board has focused on the four county-owned buildings on Edwards Ferry Road that would have to be demolished or removed, at least in part, to make room for the courts complex. That's because the town code requires that if a historic building is to be demolished to make way for a new building, the BAR has to deal with that first.



However, we only learned at our Board's May 20

The Four Historic Buildings on Edward's Ferry Rd.

meeting that the Town's staff said the County could not apply for a Certificate of Appropriateness on the actual design of the Courts building until the demolition issue was resolved.

Despite the fact the town rules give the BAR only 75 days to act, we have been before the BAR since December on this issue.

We learned from a County staffer that the BAR decision on the design of the Courts building could take another six to eight months!

Why the Mayor, Council or Town Manager did not intervene earlier to allow for **SIMULTANEOUS** review of the Certificate of Appropriateness for the courts building I do not know.

Please note: The BAR is NOT at fault here! The BAR is limited in its review to what is in the town code and its H-1 Guidelines.

However, it would sure show great leadership if the Mayor, Council or higher-ups in Town Hall would ensure the next phase of the BAR review process goes smoothly. I believe a six-to-eight-month review time is unacceptable. I believe this will severely try the patience of the Board of Supervisors and possibly force the Board to abandon the project and look to the Government Support Center site for County offices.

Town Planning Commission, Council Must Approve Courts Building and Garage

While the buildings on Edwards Ferry Road have dominated the discussion so far, we have much bigger regulatory challenges ahead.

For the project to proceed, we need a Town Plan Amendment and a rezoning. With an expanded courts complex, we also need more parking. The County's parking lots and garage in downtown Leesburg are already over capacity, so part of the courts expansion is a multi-level parking garage over at the Pennington lot up Church St. from the Court. Right now that parcel is zoned for residential use, so before a garage can be built, the Town Council needs to approve a rezoning to allow government center uses. Rezoning is a process that will take at least six months, and could last over a year.

First, these applications must go before the Planning Commission. **But what would really speed things up is if the Town Council agreed to hold a JOINT hearing with the Planning Commission or do what it did with the K2M application and agree - right now - to hold the hearings one or two weeks apart.** Background: The state and county were funding K2M's expansion in Leesburg and so certain timetables had to be met. The Town agreed to have back-to-back hearings of the Planning Commission and Council last summer. I recognize the Oaklawn-Stratford communities were very concerned, but K2M's building is now rising out of the ground. Joint Council-Planning Commission hearings are not unprecedented. The Council allowed for this with the Aurora School which was rehabbing the Paxton campus.

Since this is such an important project to Leesburg, I call upon the Council to either give us a joint hearing or back-to-back hearings which was done with K2M last summer. I also urge another outreach to the community so the neighbors understand what will be built on the Pennington and Church Street lots.

Town Takes Long Time to Approve Site Plans; Reforms Needed

The last approval that the County needs from the town may just be the worst. Town staff needs to administratively review our Site Plan, and Leesburg's Site Plan Review is notoriously difficult - just ask any of the small business owners who have been through it recently.

The new Chipotle on Edwards Ferry Rd. over by Staples would have opened years ago were it not for the site plan process. It took 2.5 years and 5 submissions for them to be approved.

In response to my inquiry on Chipotle, I got word from the town officials that during much of those 2.5 years, the application was with the applicant, which used an out-of-state engineering firm.

However, we looked at other site plan approval times, and the situation with the town is pretty bad. For example:

- Leesburg Toyota on Cardinal Park Drive and Route 7 took **11 months to get approved!**
- Pittsburgh Rick's on East Market St. took **4 years and six months!**
- Inova Cornwall's parking lot took **18 Months!**



Supervisor Reid at the Chipotle opening; Restaurant was in site plan for 2.5 years.

We checked with the County's Building and Development team to find out how long it takes them to approve "pad sites" like Chipotle. They gave us examples in the County that took less than six months.

- Brambleton Brandt, which included a fast food and day care took just under 6 months
- Goose Creek Village North Retail took 4 months. DC Prime Steakhouse took 5 months.

Fortunately, the Town Manager has stepped up to the plate, and at the May 26, 2015 Council meeting announced some reforms to the site plan process, including possibly adopting best practices from Loudoun and other jurisdictions.

And, the Courts expansion is a public works project - funded by the taxpayers. The County is not a private developer. I would remind the Council that they should, as Councilman Dunn suggested the other night, have a work session discussion of site plan and design and engineering standards in town. It is unacceptable that these above-listed private developments took so long to approve.

The Town Manager told the Council that in-fill projects in downtown Leesburg are challenging from a site plan process and dealing with storm water. Does this mean the four years for Pittsburgh Rick's to get approved is an omen for what will happen to the Courts building since that

also is downtown? Some of the projects I outlined above that took so much time were not even in the Historic District.

Again, the Board of Supervisors does not need town approval to build a new building on the Government Support Center site on Sycolin Road. Leesburg needs to remember that.

County Needs A Backup Plan - Sycolin Road Govt. Support Center

In recent weeks, local attorneys, and members of the BAR, have lamented that the County did not use the same process it used in the late 1990s in building the newest Courts Building, which extends from North King to Church Street NE.

From what they have told me, the Board of Supervisors created a special blue ribbon panel of attorneys, judges, town officials and supervisors, to evaluate various designs.

Not having lived here in the late 1990s, this option was never presented to me, nor, I suspect, to my other colleagues. It sure would have been nice if someone from the town had suggested that. Perhaps if the BAR and other preservation specialists had more input on the design of this building ahead of time, all of this controversy about the demolition of the four buildings could have been avoided.

However, how can we start the process all over again at this point?

The design the Board of Supervisors selected was one of thirteen presented at a series of community meetings. No town officials stood up and suggested we do something the other way. To be fair, neither did county officials who were here in the late 90s.

With this issue, I am reminded of the slogan: "The world is run by those who show up." People tend to fall into two groups: those who are disengaged from the world around them or those who are active participants trying to shape the future.

When it comes to the Courts Expansion on Church Street NE in Leesburg - perhaps the most significant public works and economic development project in the Historic Downtown in more than a decade, I hope the Town will show up and be proactive with the Board of Supervisors to keep our courts and county government in downtown Leesburg.

Why Didn't the County Convene a Special Committee As It Did In Late 90s With Existing Courts Building?

In recent weeks, local attorneys - and members of the BAR, too - have lamented that the County did not use the same process it used in the late 1990s in building the current new Courts Building (which we call Phase II).

From what they have told me, the Board of Supervisors created a special blue ribbon panel of attorneys, judges, town officials and supervisors, to evaluate various designs. It is also possible the architect was separate from the engineering team.

Not having lived here in the late 1990s, this option was never presented to me, and I doubt to my other colleagues. It sure would have been nice if someone from the town had suggested that.

Perhaps if the BAR and other preservation specialists had more input on the design of this building ahead of time, perhaps all of this controversy about the demolition of the four buildings could have been avoided.

However, how can we start the process all over again at this point?

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With this issue, I am reminded of the slogan: "The world is run by those who show up." It is attributed to an engineering expert, Robert B. Johnson, in a 1999 article in the Journal of Management in Engineering. It succinctly describes what most of us observe in our personal and work lives ... that people tend to fall into two groups: those who are disengaged from the world around them or those who are active participants trying to shape the future.

When it comes to the Courts Expansion on Church Street NE in Leesburg - perhaps the most significant public works and economic development project in the Historic Downtown in more than a decade, I hope the Town will show up and be proactive with the Board of Supervisors to keep our courts and county government in downtown Leesburg.



Phase II of the Court's Complex was designed in the 90's based on the recommendations of a special panel.

LEESBURG EVENTS

Free Lecture Series at Watermark Woods Nursery

Date: June 4, 2015

Time: 7:00 PM

Location: Watermark Woods Nursery (just off Route 9), 16764 Hamilton Station Road, Hamilton, VA 20158

Visit Loudoun's one and only all-native and pesticide-free plant nursery! Owner Julie Borneman will provide a practical look at using native plants in a suburban setting, as well as native choices to add structure and interest to your landscaping.

For more information, visit www.loudouncountymastergardeners.org.

29th Annual Leesburg Car Show

Date: June 6, 2015

Time: 5:00 PM - 10:00 PM

Location: Downtown Leesburg's Historic District, pre-stage and registration at Tuscarora High School.

- Over 200 classics, street rods, and muscle cars 1989 and older.
- \$20 registration fee.
- Trophies awarded to:
 - Top 30.
 - Mayor's Choice.
 - Merchant's Choice.
 - Best of Show.
 - And others.

For more information, go to www.novarodsnclassics.org.

8th Annual Golf Tournament to Benefit the Leesburg Volunteer Fire Company 1/20

Date: June 8, 2015

Time: All day

- Cost: \$110/player (includes greens, practice facilities, breakfast, beverages, afternoon meal, and raffle opportunity).
- Prizes for 1st, 2nd, and 3rd, "longest drive," "closest to the pin," and "putting contest," as well as raffle prizes.
- Format: Captain's choice scramble. Shotgun at 9:00 AM. Range open at 8:00 AM.
- ALL proceeds go to the Leesburg Volunteer Fire Company.
- Since the Company was established in 1803, it has provided service to over 50,000 residents and made over 1,800 calls in 2014 alone.

For more information, call 703-919-6232.

Veterans of Foreign Wars, Post 1177 in Leesburg, V, Fifth Annual Spring Ball

Date: June 12, 2015

Time: 6:30 PM - 12:00 AM

Location: Murray Hill Events Pavilion at 42910 Edwards Ferry Road in Leesburg

- This event includes dinner, music and dancing, all in honor of our military veterans. Funds raised through this event will be used to support VFW 1177 Post and veterans in our community. VFW Post 1177 continues to support Veteran Hospital programs, our local National Guard Unit, Scouting, and numerous other youth and community organizations.
- Cost is \$50/person.

- RSVP by June 3, 2015.

For more information, email [PBRusciolelli@aol.com](mailto:PBРусciolelli@aol.com).

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